

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 4th May, 2017

No. 139

**GOVERNMENT OF SIKKIM
HUMAN RESOURCE DEVELOPMENT DEPARTMENT
GANGTOK**

No: 261/HRDD/ADM

Dated: 03/05/2017

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules, namely;-

**Short title and
commencement**

1. (1) These rules may be called the Sikkim Human Resource Development Department Teachers, Headmasters/ Headmistress, Principals and other non teaching staff of Schools Transfer Rules, 2017.
- (2) They shall come into force on the date of publication in the Official Gazette.

Objective

2. (1) The Human Resource Development Department shall strive to maintain equitable distribution of teachers and non-teaching staff in all schools with special regard to protect academic interest of students and optimize job satisfaction amongst its employees. The primary objective of the rule shall be to regulate transfer of teachers and other employees posted in schools and streamline all transfers.
- (2) All employees shall be transferred anywhere within the state at any point of time and transfer to a desired location cannot be claimed as a matter of right. While effecting transfer, the organizational interest shall be given utmost consideration and that the problems and difficulty of employees shall remain subservient.

Applicability

3. (1) These Rules shall be applicable to all categories of Teachers, Headmasters/Headmistress, Principals and all non-teaching staff posted in schools.

	(2) Teachers appointed on Adhoc/Contract or Substitute basis shall not be covered under these rules and such teachers shall not be eligible for transfer under any circumstances.
Type of Transfer	4. (1) Transfer may broadly be classified in two types, namely :- (a) Administrative transfer, which the Department orders <i>suo-moto</i> in the exigencies of service and in public interest/administrative grounds; (b) Request transfer/transfer on medical grounds, which shall be effected based on the request of a teacher.
Transfer in the Interest of public service	5. Teachers who have been serving in the same school since appointment and have completed more than 10 (ten) years in the same school shall be transferred to another area. However, teachers serving in rural areas who has completed more than 10 (ten) years but desires to continue in such area shall be allowed to do so.
Transfer on request	6. (1) For transfer on request, preference shall be given to teachers duly considering the number of years left for his/her retirement. (2) Special preference shall be given to female teachers falling under the criteria of special family circumstances such as widow, single parent, nursing mothers with children below 2 (two) years of age. (3) Transfer on request will be made before the commencement of the academic session according to the calendar of activities. However, transfer on administrative grounds may be effected by the competent authority at any time during the year against available vacancy. (4) All applications for transfer on request shall be routed through concerned Joint Directors of District only. (5) All transfer on request shall be submitted in the prescribed Application form only (Annexure I). The Transfer Application Form may be downloaded from the official website of the Department. No separate application for transfer shall be entertained.
Transfer on Medical Ground	7. (1) All applications for transfer under medical ground will be referred to the State Medical Board duly considering the nature of illness as deemed fit by the departmental transfer committee. (2) In extreme cases, i.e. where the incumbent is not able to perform duty due to illness resulting in the hampering of work, he/she may be allowed to proceed on voluntary retirement.

However, if such offers are not accepted and the teacher is medically unfit to perform duty, **compulsory retirement as per the rules shall be recommended in the interest of the public service.**

**Compulsory
rural posting
for fresh
recruits/
promotees**

8. (1) All fresh recruits/promotees shall be posted compulsorily in rural areas for a **mandatory period of 5 (five) years**. If no vacancy is available in such areas, a vacancy shall be created by transferring those teachers to urban/semi-urban areas who has completed 10 (ten) years in such area.
Under no circumstances will their request for transfer before completion of the mandatory period be entertained.
- (2) A teacher shall serve a minimum period of **12 (twelve) years, 10 (ten) years in case of teachers who has served for more than 1(one) year in Difficult area** of posting in rural areas during his/her entire service period.

Mutual Transfer

9. (1) Mutual transfer requests shall be considered provided the teachers are of the same discipline and post and have spent a minimum period of 3 (three) years in their respective schools.
- (2) Fresh recruits/promotees shall not be eligible for mutual transfer before completion of the **mandatory period of 5 (five) years**.

**General
Guidelines**

10. (1) Transfer/ posting to a particular school shall not be claimed as a matter of right. Available of clear-cut vacancy is a must for all transfers.
- (2) Efforts will be made to ensure that persons with disabilities **(40% and above only)** are posted in their home area subject to availability of vacancies and other provisions of these rules.
- (3) Teachers who attain the age of 55 (fifty five) years as on 1st January of the corresponding year shall not be transferred unless on administrative ground.
- (4) Replacement for teachers transferred from rural areas shall be made from those posted in urban areas who have completed 10 (ten) years or more in such areas.
- (5) A teacher once transferred to a particular school on whatsoever ground will have to remain at his/her place of posting for a minimum period of 3 (three) years before applying for transfer.
- (6) The maximum period allowed in home area is 10 (ten) years. However teachers who attain the age of 55 (fifty five) years as on 1st January of the corresponding year may again apply for home area posting subject to clear vacancy.

- (7) Preference shall be given to promotees who have successfully completed their compulsory tenure in rural areas, provided a vacancy exists in the preferred school.
- (8) Attempts to bring any political or other outside influence for transfer on any superior authority of the Department shall be treated as misconduct and would be liable for disciplinary action under the Sikkim Government Servant Conduct Rules, 1981 and the Sikkim Government Servant's (Discipline and Appeal) Rules, 1985.
- (9) All important transfer related information including transfer orders shall be uploaded in the official website of the Department (www.sikkimhrdd.org). No separate communications shall be made with regard to rejection of application.
- (10) Applicants whose request could not be considered in a calendar year for want of vacancy or other reasons shall have to apply afresh for transfer in the following year.
- (11) Re-deployment of excess manpower shall be carried out in accordance with Notification No. 02-722/PG/HRDD/167, dated 16.07.2016, **Manpower Management Guidelines for Determination of Teachers Strength in Schools.**
- (12) Teachers who have completed more than 10 (ten) years of service in urban areas shall be transferred to Rural areas on 'first-come-first go' basis.
- (13) The district office shall maintain a complete database of all categories of teachers within the district and ensure that teachers are evenly distributed at all point of time keeping the academic interest of the students and as per the requirement.

**Nodal Officer
For receipt of
Application
Form**

11. (1) Application form, duly filled in and endorsed by the concerned Joint Director of District may be submitted to the following Nodal officers from 1st September to 31st October of the calendar year;
 - (i) All Primary Teachers/PPTs and HMs/PS
- **Director (Primary Education).**
 - (ii) All Graduate and Post-graduate Teachers, Principals and Headmasters SS/JHS
- **Director (Secondary Education).**
 - (iii) All Language Teachers - **Joint Director (Language).**
 - (iv) All non-teaching staff including Group D employees
- **Under Secretary (Adm.)**

- (2) The above nodal officers shall compile the applications and submit to the Joint Secretary (Adm.) immediately after the last date of receipt of applications for further necessary action.

**Calendar of
Activities**

12. (1) (i) Receipt of applications for request and mutual transfers: **1st September to 31st October** of calendar year.
- (ii) Finalization of all transfers and hoisting the information in the website: by **31st December**.
- (iii) Modifications/cancellations on administrative ground to remove anomalies in transfer orders already issued: by **31st January**.
- (iv) Disposal of all transfer related cases and close of entire transfer process by **31st January**.
- (2) **No request, whatsoever shall be entertained after the above mentioned dates and no transfer orders shall be issued after commencement of the Academic Session except on administrative grounds.**

By order and in the name of the Governor

**Additional Chief Secretary and In charge
Human Resource Development Department**

